

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**KENNETH E. HAMILTON,**  
**Plaintiff**

**V.**

**JO ANNE B. BARNHART,**  
**Commissioner of Social**  
**Security Administration,**  
**Defendant**

§  
§  
§  
§  
§  
§  
§  
§

**No. 2:04CV219**

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendant's Unopposed Motion for Reversal and Remand (Dkt. No. 11) is hereby **GRANTED**. It is further

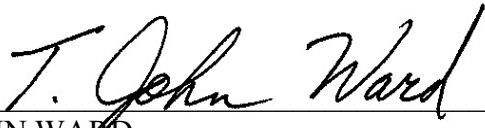
**ORDERED** that Plaintiff's above-entitled and numbered civil action is **REVERSED and REMANDED** under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

**ORDERED** that on remand the ALJ will be instructed to obtain all available updated

treatment records; to reevaluate the severity of Plaintiff's mental impairment; to give further consideration to Plaintiff's maximum residual functional capacity; and if warranted by the expanded record, to obtain evidence from a vocational expert to clarify the effect of the assessed limitation on Plaintiff's occupational base. It is further

**ORDERED** that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

SIGNED this 8th day of June, 2005.

  
\_\_\_\_\_  
T. JOHN WARD  
UNITED STATES DISTRICT JUDGE